

Remarks

This is in response to the Office Action dated April 21, 2005.

In response to the objection to the drawings, attached please find a "Annotated Sheet Showing Changes" of the amendment to Fig. 3 to correctly identify the distal portion by designation "16". Moreover, Fig. 1 has been amended per shown in red, in order to replace designation "24" with designation "25", as designation "24" was also used to designate the groove shown in Fig. 4. Moreover, Fig. 1 has been amended to show the collection store, in the shape of a blood culture collection bottle 35, that is inserted into the member 2. Appropriate corresponding amendment in the specification has been effected. A "Replacement Sheet" is attached showing the amended changes.

Upon approval by the examiner, formal drawings will be submitted to reflect the amendment to the figures.

Per required by the examiner, a substitute Abstract of the Disclosure is attached.

Claim 11 has been amended to rid the objection thereof by the examiner. Moreover, claims 13 and 14 have been amended to change the dependencies of those claims in order to overcome the 35 U.S.C. 112, second paragraph rejection of those claims by the examiner.

The preamble of claim 10 has been amended in light of the 35 U.S.C. 112, second paragraph rejection thereof. It is believed that the amended preamble clearly sets forth a method that is supported by the steps recited in the claim. It is therefore respectfully submitted that claims 10-14 are now devoid of the indefiniteness problems noted by the examiner.

The claims have been rejected either under 35 U.S.C. 102(e) as being anticipated by, or under 35 U.S.C. 103(a) as being obvious over, Sampson publication (US2004/0215106).

Sampson does disclose a shield 10 into which cavity 44 a removable sleeve 30 may be inserted. Shield 10 is in the shape of an upside-down cup having four stepped portions. The removable sleeve 30 has an inner cylinder 32 that has a length that, when sleeve 30 is fully inserted into cavity 44 of shield 10, the distal opening 48 of sleeve 30 would fully meet with the second step opening of shield 10. As disclosed in paragraph 42, a plurality of ribs 40 extend radially from the outer surface 35 of inner cylinder 32 to engage with the inner sidewall 22 of shield 10.

In contrast, the device of the instant invention has an adapter that has a non-continuous circular wall made up of a number of adjacent sections that extend from the base to a given height to encircle the portion of the cylindrical tube of the adapter that is not to be fitted to the distal portion of the cylindrical member, or shield. No such non-continuous wall is provided in the Sampson device, as the ribs 40 disclosed do not form a wall. Indeed, as disclosed in paragraph 46, each of the ribs 40 includes an inclined distal alignment surface 42 for aligning the sleeve 30 with the shield 10, when the alignment surface 42 engages the rim of the shield 10. Thus, as best shown in Fig. 4, each of the ribs 40 has an extension that allows it to be in contact with the inner contour wall not only of the widest portion of shield 10, but also the second stepped portion of shield 10. For the instant invention, the cylindrical member has a distal and a proximal portion, with the height of the non-circular wall that encircles the inner cylindrical tube being substantially the length of the proximal portion of shield 10.

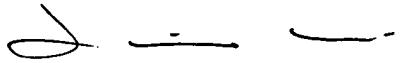
Other aspects of the instant invention likewise are not disclosed or suggested by Sampson. For example, Sampson fails to disclose or suggest any protuberances that are formed at the respective sections of the non-circular wall for mating with an inner

circumferential groove formed along the inside surface of the proximal portion of the cylindrical member. See claim 2.

In sum, the adapter of the device of the instant invention is substantially different from the removable sleeve of the Sampson device. Applicants therefore respectfully submit that claims 1, 3-6, 8-11 and 13-14 are not anticipated by Sampson. Nor could Sampson render claims 2, 7 and 12 obvious, for Sampson fails to disclose anything similar to the adjacent sections that form the non-continuous wall, let alone the respective protuberances that are formed at the sections of the non-continuous wall of the adapter.

In light of the above, the examiner is respectfully requested to reconsider the application and pass the case to issue at an early date.

Respectfully submitted,



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Date: July 15 2005



Annotated Sheet Showing Changes

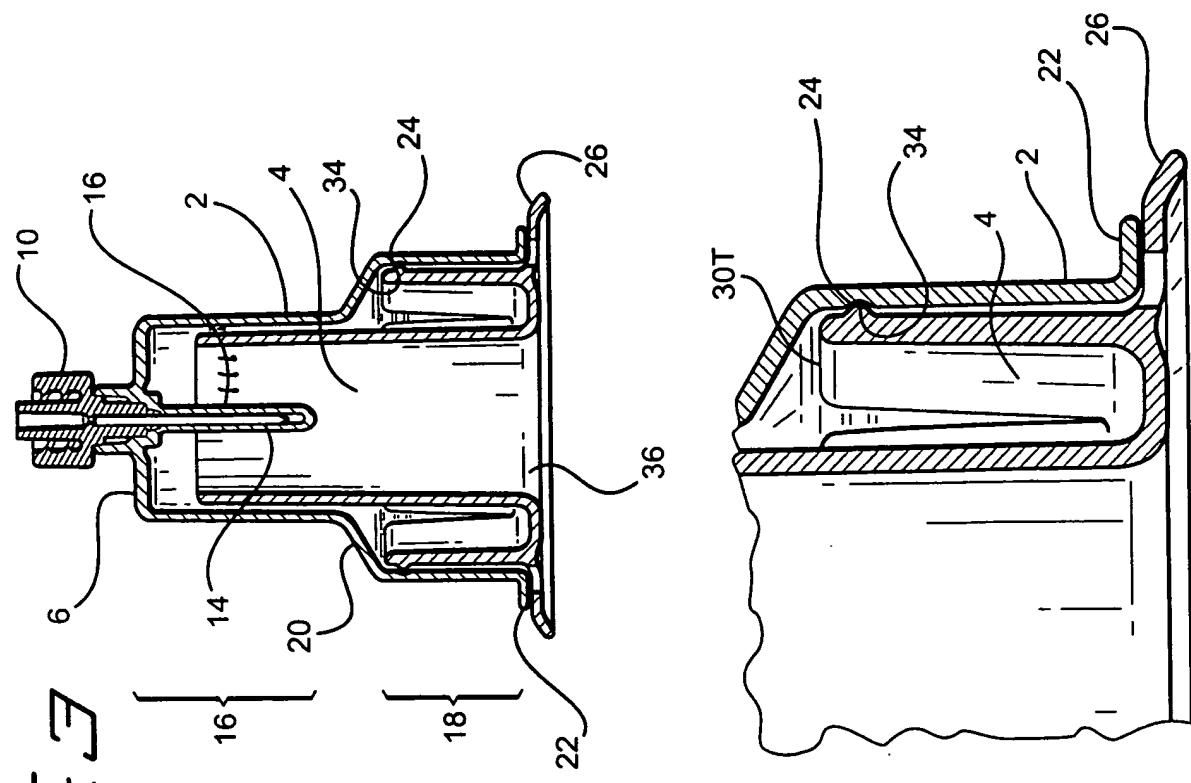


FIG. 3

FIG. 4

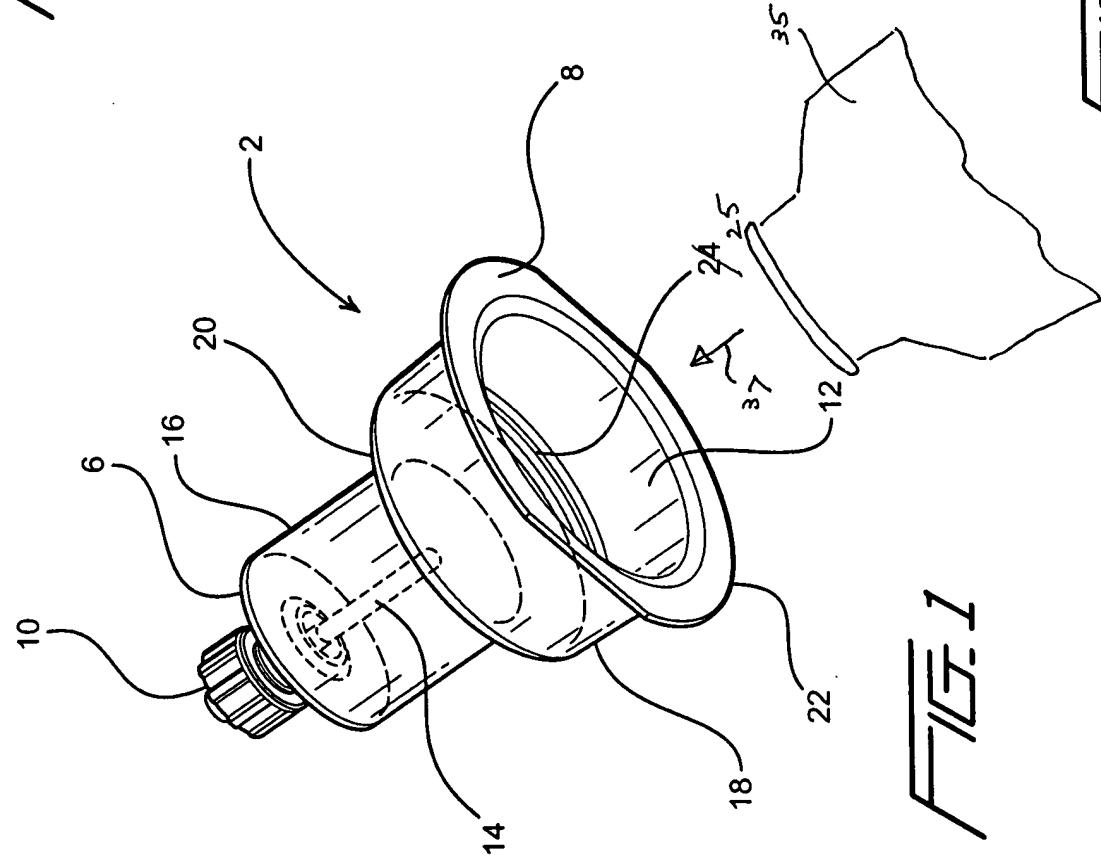


FIG. 1